

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM KENNEDY,

No. C. 11-0675 MMC

Plaintiff,

v.

WELLS FARGO BANK, N.A.; et al.,

Defendants

No. C. 11-1357 MMC

WILLIAM KENNEDY,

Plaintiff,

v.

WACHOVIA MORTGAGE; et al.,

Defendants

**ORDER CONTINUING CASE
MANAGEMENT CONFERENCES;
ORDERING PLAINTIFF TO SHOW
CAUSE WHY ACTION SHOULD NOT BE
DISMISSED**

By the instant order, the Court addresses two procedural matters.

First, in light of the Court's order of August 2, 2011, dismissing the complaint in Case No. C 11-0675 (the "Wells Fargo action"), with leave to amend by August 26, 2011, the Case Management Conference scheduled for August 26, 2011 is hereby CONTINUED, in both of the above-titled related cases, to November 18, 2011, at 10:30 a.m. A joint case management conference statement shall be filed no later than November 11, 2011.

Second, the action titled Kennedy v. Wachovia, No. 11-1357 (the "Wachovia action"), filed in the Superior Court of California on February 16, 2011, two days after the Wells Fargo action was removed to this court, is brought by the same plaintiff and raises the same claims on the basis of the same alleged facts against the same defendants as

1 those at issue in the Wells Fargo action. Moreover, the Wachovia action's complaint is the
2 same as the complaint dismissed, on May 13, 2011, in the Wells Fargo action for failure to
3 plead facts sufficient to state a claim. Accordingly, plaintiff William Kennedy is hereby
4 ORDERED TO SHOW CAUSE in writing, and no later than August 26, 2011, why the
5 Wachovia action should not be dismissed.

6 **IT IS SO ORDERED.**

7 Dated: August 11, 2011


MAXINE M. CHESNEY
United States District Judge

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